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BEFORE THE  
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF: )  
 )  
ILLINOIS-AMERICAN WATER )  
COMPANY, ) Docket No.  
Proposed rate increases for ) 16-0093  
water)and sewer service. )  
(Tariff filed)on January 21, )  
2016)

Chicago, Illinois  
July 28, 2016

Met, pursuant to notice, at 10:00 a.m.

BEFORE:

Ms. Sonya Teague Kingsley  
Ms. Jessica L. Cardoni,  
Administrative Law Judges

APPEARANCES:

WHITT STURTEVANT, LLP  
MS. ANNE M. ZEHR  
MS. HANNA CONGER  
180 N. LaSalle Street  
Suite 2001  
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for ILLINOIS WATER COMPANY;

1  
2 APPEARANCES (CONTINUED):  
3 ILLINOIS COMMERCE COMMISSION  
4 James V. Olivero (via telephone)  
5 Office of General Counsel  
6 527 E. Capitol Ave.  
7 Springfield, Illinois 62701  
8 jolivero@icc.illinois.gov  
9 -- AND --  
10 OFFICE OF GENERAL COUNSEL  
11 MS. MARCY A. SHERRILL  
12 ILLINOIS COMMERCE COMMISSION  
13 160 N. LaSalle Street  
14 Suite C-800  
15 Chicago, Illinois 60601  
16 msherrill@icc.illinois.gov  
17 for the Staff of the Illinois Commerce  
18 Commission;  
19  
20 BALOUGH LAW OFFICES,  
21 MR. Richard C. Balough, LLC  
22 One North LaSalle Street  
Suite 2020  
Chicago, Illinois 60602  
rbalough@balough.com  
on behalf of City of Champaign, Urbana  
and South Beloit and the Villages of  
St. Joseph, Philo, Savoy and Sidney;  
ASSISTANT ATTORNEY GENERAL, by  
MR. RONALD D. JOLLY  
100 N. Randolph Street  
11th Floor  
Chicago, Illinois 60601  
(312) 893-0777  
for the Attorney General's Office;  
20  
21  
22

1 APPEARANCES (CONTINUED):

2

3 LUEDERS, ROBERTSON, KONZEN  
4 MR. RYAN ROBERTSON  
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11 MR. RYAN THORPE  
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17 for Village of Tinley Park;

18 MR. THOMAS JERNIGAN  
19 139 Barnes Drive  
20 Suite 1  
21 Tyndall Air Force Base, Florida 32403  
22 thomas.jernigan.3@us.af.mil  
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ROBBINS SCHWARTZ NICHOLAS LIFTON & TAYLOR, LTD.  
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for the Village of Bolingbrook.

CITIZENS UTILITY BOARD, by  
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Chicago, Illinois 60606  
crhicks@citizensutilityboard.org  
for CUB.

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I N D E X

			Re-	Re-	By
<u>Witnesses:</u>	<u>Direct</u>	<u>Cross</u>	<u>direct</u>	<u>cross</u>	<u>Examiner</u>

NONE

E X H I B I T S

<u>Number</u>	<u>For Identification</u>	<u>In Evidence</u>
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See attached.

1 JUDGE TEAGUE KINGSLEY: Pursuant to the  
2 direction of the Illinois Commerce Commission, I now  
3 call Docket No. 16-0093, Illinois American Water  
4 Company. This matter concerns proposed general rate  
5 increase for water and sewer service.

6 Will the parties please enter their  
7 appearances for the record.

8 MS. ZEHR: Thank you, your Honor.

9 Appearing on behalf of Illinois  
10 American Water Company, Anne Zehr and Hanna Conger,  
11 Whitt Sturtevant, LLP, 180 North LaSalle Street,  
12 Suite 2001, Chicago, Illinois 60601. My phone number  
13 is (312) 251-3018.

14 MS. SHERRILL: On behalf of the staff of the  
15 Illinois Commerce Commission, Marcy Sherrill 160  
16 North LaSalle Street, Suite C-800, Chicago, Illinois  
17 60601.

18 MR. OLIVERO: And also appearing on behalf of  
19 the staff witnesses is James Olivero, 527 East  
20 Capitol Avenue, Springfield, Illinois, 62701.

21 MR. JOLLY: On behalf of the Illinois Attorney  
22 General's office, Ronald D. Jolly. My business

1 address is 100 West Randolph, 11th Floor, Chicago,  
2 Illinois 60601.

3 MR. BALOUGH: Good morning. Appearing on  
4 behalf of the Cities of South Beloit, Champaign and  
5 Urbana, Richard Balough --

6 MR. OLIVERO: Mr. Balough, this is Jim Olivero.  
7 You are cutting in and out.

8 MR. BALOUGH: All right. I will try that  
9 again.

10 Richard Balough, Balough Law Offices,  
11 LLC, One North LaSalle Street, Suite 2020, Chicago,  
12 Illinois 60602. My phone number is (312) 499-0000.

13 MS. HICKS: On behalf of the Citizens Utility  
14 Board Christie Hicks, 309 West Washington, Suite 800,  
15 Chicago, Illinois 60606.

16 Appearing on behalf of the Village of  
17 Tinley Park, Ryan Thorpe, of the law firm of Klein,  
18 Thorpe and Jenkins, 20 North Wacker Drive, Suite  
19 1660, Chicago, Illinois 60606. Phone number is  
20 (312) 984-6400.

21 MR. JERNIGAN: Thomas Jernigan, and Major Andrew  
22 Gunsinger (phonetic). Our offices are at 139 Barnes

1 Drive, Suite 1, Tyndall Air Force Base 32403. Phone  
2 No. (850) 283-6663.

3 MR. ROBERTSON: On behalf of the Illinois  
4 Industrial Water Consumers, Ryan Robertson, Leuders  
5 Robinson and Konzen, 1939 Delmar, Granite City  
6 Illinois, 62040.

7 JUDGE TEAGUE KINGSLEY: Are there any other  
8 appearances on file?

9 MR. FLOREY: This is Ken Florey from Robbins  
10 Schwartz, 55 West Monroe, Chicago, Illinois 60603  
11 (312) 332-7760 on behalf of the Village of  
12 Bolingbrook Water Commission.

13 JUDGE TEAGUE KINGSLEY: Thank you. Let the  
14 record reflect there are no other appearances at this  
15 time.

16 It's our understanding that there will  
17 be no cross-examination of the witnesses today, and  
18 we will be admitting the exhibits by affidavit.

19 Before we proceed to that, it's our  
20 understanding there are two preliminary matters that  
21 we will deal with first.

22 The first being the company's motion

1     for leave to file revised surrebutall testimony  
2     exhibits instanter.

3                     Is there any objection to this motion?

4                     (No response.)

5             JUDGE TEAGUE KINGSLEY:   Hearing no objection,  
6     the motion is granted.

7                     Does the company have another motion  
8     they would like to make?

9             MS. ZEHR: Yes, your Honor.   Thank you.

10                    On Tuesday, July 26th, the company  
11     filed its four errata referring to the revised  
12     surrebutall testimony of company witness John  
13     Watkins.

14                    The only change to that testimony was  
15     to direct the on the cover of the testimony,  
16     inadvertently the clean testimony was not uploaded to  
17     e-docket, so the company respectfully move for leave  
18     to file that testimony today on e-docket.

19             JUDGE TEAGUE KINGSLEY:   Are there any  
20     objections?

21                    (No response.)

22                    Okay.   Then that motion is granted.



1     You said it will be filed today?

2             MS. ZEHR: Yes, your Honor. Thank you.

3             JUDGE TEAGUE KINGSLEY: Okay. Would the

4     company like to begin with those exhibits first.

5             MS. ZEHR: Yes. Thank you, your Honor.

6                     The company would like to offer its

7     exhibits for the evidentiary record.

8                     Ms. Conger has the list.

9             MS. CONGER: Good morning, your Honor. I do

10    have a list for you, but not all. We will be filing

11    the rest of those by next week.

12             MS. ZEHR: Yes, your Honor.

13                     The company have filed a number of

14    affidavits yesterday. I have copies of those for you

15    as well as the exhibit list. There are four

16    affidavits remaining to be filed, two will be filed

17    today as you will note. There are two that the

18    company will most likely file next week due to

19    witness traveling, if that's acceptable to your

20    Honor.

21             JUDGE TEAGUE KINGSLEY: Okay.

22             MS. CONGER: Okay. The company would like to

1 move for the admission of Illinois American Water  
2 Company Exhibit 1.0 revised, the revised direct  
3 testimony of Bruce Hauk filed on e-docket April 21,  
4 2016. The supporting exhibit and direct testimony of  
5 Bruce Hauk, Illinois American Water Company Exhibit  
6 1.01, filed on e-docket on January 21, 2016, the  
7 rebuttal testimony of Bruce Hauk, Illinois American  
8 Water Company Exhibit 1.04 filed on e-docket June  
9 15th, 2016.

10 The surrebutall testimony testimony of  
11 Bruce Hauk Illinois American Water Company Exhibit  
12 1.00 SR filed on e-docket July 22, 2016. And the  
13 affidavit of Bruce Hauk, Illinois American Water  
14 Company 1.01 SR, which will be filed today, July  
15 28th.

16 The company would also like to move  
17 for the admission of the Direct Testimony of Michael  
18 A. Smyth 2.00 filed on January 21, 2016 with the  
19 supporting Exhibits 2.01 through 2.03.

20 The revised rebuttal testimony of  
21 Michael A. Smyth, IAWC Exhibit 2.00 R second revised  
22 filed on e-docket July 26, 2016 and supporting

1 exhibit to the rebuttal testimony of Michael A. Smyth  
2 IAWC Exhibit 2.01 R filed on e-docket June 15, 2016  
3 as well as the surrebutall testimony testimony of  
4 Michael IAWC Exhibit 2.00 SR and supporting exhibit  
5 and surrebutall testimony 2.01 SR, both filed on  
6 e-docket July 22, 2016. And the affidavit Michael A.  
7 Smyth Illinois American Water Company 2.02 SR filed  
8 on e-docket July 27, 2016.

9                   The company would also move for the  
10 admission of testimony of the Jeffrey T. Kaiser, IAWC  
11 Exhibit exhibit 3.00 filed on e-docket January 21,  
12 2016 with supporting exhibits 3.01 through 3.02. As  
13 well as the rebuttal testimony of Jeffrey Kaiser,  
14 IAWC Exhibit 3.00 R filed on e-docket June 15th and  
15 the affidavit of Jeffrey T. Kaiser IAWC Exhibit 3.01  
16 R filed on e-docket July 27, 2016.

17                   The company would also move for the  
18 admission of the direct testimony of Rich Kerckhove,  
19 IAWC Exhibit 4.00 filed on e-docket January 21, 2016  
20 with supporting Exhibits 4.01, 4.02, as well as the  
21 revised exhibits of direct testimony of Rich  
22 Kerckhove, IAWC Exhibit 4.03 revised, which was filed

1 on e-docket May 3, 2016.

2 IAWC Exhibit 4.04 another supporting  
3 exhibit to the direct testimony of Rich Kerckhove,  
4 filed January 21, 2016.

5 The supplemental direct testimony of  
6 Rich Kerckhove, IAWC Exhibit 4.00 supplemental filed  
7 on e-docket March 30, 2016 with supporting exhibits  
8 4.01 supplemental to 4.03 supplemental, also filed  
9 March 30, 2016, as well as the rebuttal testimony of  
10 Rich Kerckhove IAWC Exhibit 4.00 R, filed June 15,  
11 2016 with revised supporting exhibits 4.01 R revised  
12 and 4.05 revised, filed June 16, 2016 and supporting  
13 Exhibits 4.06 through -- 4.06 R through 4.01 R also  
14 filed June 15, 2016.

15 The confidential supporting exhibit to  
16 the rebuttal testimony of Rich Kerckhove, IAWC  
17 Exhibit Exhibit 4.11 R, confidential and public  
18 versions filed June 16th, 2016. And the supporting  
19 exhibits to rebuttal testimony of Rich Kerckhove IAWC  
20 Exhibit 4.12 R, 4.13 R, filed June 15, 2016, as well  
21 as the surrebutall testimony of Rich Kerckhove IAWC  
22 Exhibit 4.00 SR filed July 22, 2016 with revised

1 supporting exhibits IAWC Exhibit 4.01 SR revised,  
2 4.05 SR revised. Those were filed yesterday -- or  
3 I'm sorry today.

4 And then the supporting exhibits to  
5 surrebutall testimony 4.06 SR, 4.07 SR filed July 22,  
6 2016, revised supporting Exhibits 4.08 SR revised,  
7 4.09 SR revised, again filed today.

8 Supporting Exhibits 4.10 SR, 4.11 SR,  
9 filed July 22nd and supporting Exhibits 4.12 SR,  
10 through 4.15 SR filed today, as well as the affidavit  
11 Rich Kerckhove IAWC Exhibit 14.00 SR filed July 15,  
12 2016, the supporting exhibit IAWC Exhibit 15.01 SR in  
13 confidential and public versions and IAWC Exhibit  
14 1502 SR, again confidential version and public  
15 versions filed July 21, 2016, as well as IAWC Exhibit  
16 15.03 SR, supporting exhibit to surrebutall testimony  
17 Rich Kerckhove filed July 21, 2016.

18 And finally, the affidavit of Rich  
19 Kerckhove IAWC Exhibit 4.16 SR filed today.

20 IAWC would also move for the exhibit  
21 of the admission of the direct testimony of Susan  
22 Krohn, IAWC Exhibit 5.00 filed January 21, 2016 and

1 the affidavit of Ms. Krohn, IAWC Exhibit 5.01 filed  
2 July 27, 2016.

3 The company would also move for the  
4 admission of the revised direct testimony of Scott  
5 Rungren IAWC Exhibit 6.00 revised, filed April 21,  
6 2016 with the revised supporting exhibit IAWC Exhibit  
7 6.01 revised, also filed April 21.

8 The company would move for the  
9 admission of the rebuttal testimony of Scott Rungren,  
10 IAWC Exhibit 6.00 R, filed June 15th, 2016 with  
11 supporting exhibits 6.01 through 6.02 R, also filed  
12 June 15th, the surrebutall testimony of Scott Rungren  
13 IAWC Exhibit 6.0 SR filed July 22, 2016 with  
14 supporting Exhibit 6.01 SR, also filed July 22nd, and  
15 the affidavit of Scott Rungren IAWC Exhibit 6.02 SR  
16 filed July 27th.

17 The company would also move for the  
18 admission of the direct testimony of John M. Watkins  
19 IAWC Exhibit 7.00 and supporting Exhibit 7.01 through  
20 7.03, all filed January 21, 2016.

21 The revised rebuttal testimony of John  
22 Watkins IAWC Exhibit 7.00 R revised, filed July 26,

1 2016 with supporting exhibits 7.01 R through 7.03 R,  
2 filed June 2016, as well as the surrebutall testimony  
3 of John Watkins, IAWC Exhibit 7.00 SR revised, which  
4 will be filed today, pursuant to the motion discussed  
5 earlier, the supporting exhibits 7.01 SR, 7.02 SR  
6 filed July 22nd, 2016, and an affidavit to be  
7 entitled "IAWC Exhibit 7.03 SR" and filed next week.

8                   The company would also move for the  
9 admission of the direct testimony of Gregory P.  
10 Roach, IAWC Exhibit 8.00 with supporting exhibits  
11 8.01 through 8.06, filed January 21, 2016, the  
12 revised rebuttal testimony of Gregory Roach IAWC  
13 Exhibit 8.00 R revised, and filed July 13, 2016, and  
14 supporting exhibits to rebuttal testimony IAWC  
15 Exhibit 8.01 R, filed June 15, 2016, as well as the  
16 surrebutall testimony of Gregory Roach IAWC Exhibit  
17 8.00 SR, filed July 22, 2016, and the affidavit of  
18 Mr. Gregory Roach to be entitled "IAWC Exhibit 8.01  
19 SR" and that will be filed next week.

20                   The company would also move for the  
21 admission of the direct testimony of Robert E.  
22 Mustich, IAWC Exhibit 9.00, filed January 21, 2016

1 with the revised supporting exhibit IAWC Exhibit 9.01  
2 revised confidential employee-specific information  
3 and public version, filed April 21, 2016, as well as  
4 the rebuttal testimony of Robert Mustich, IAWC  
5 Exhibit 9.00 R, filed June 15, 2016 and Mr. Mustich's  
6 affidavit, IAWC Exhibit Exhibit 9.01 R which was  
7 filed yesterday.

8                   The company would also move for the  
9 admission of the revised direct testimony of Paul R.  
10 Moul IAWC Exhibit 10.00 revised, filed April 21, 2016  
11 with supporting exhibits 10.01 to 10.02, filed  
12 January 21, 2016, as well as the rebuttal testimony  
13 of Paul R. Moul IAWC Exhibit 10.00 R, filed June 15,  
14 2016 with supporting Exhibits 10.02 R through 10.07  
15 R, also filed June 15th, as well as the surrebutall  
16 testimony of Paul R. Moul IAWC Exhibit 10.00 SR,  
17 filed July 22, 2016 with supporting exhibits 10.01 SR  
18 through 10.05 SR and the affidavit of Paul R. Moul  
19 IAWC Exhibit 10.06 SR, filed July 27th, 2016.

20                   The company would move for the  
21 admission of the revised direct testimony of Paul R.  
22 Herbert IAWC Exhibit 11.00 revised, filed March 7,



1     2016 with the revised supporting exhibit IAWC Exhibit  
2     11.01 revised, filed April 21, 2016, a supporting  
3     exhibit IAWC Exhibit Exhibit 11.02, filed January 21,  
4     2016, supporting Exhibit 11.03, filed March 7, 2016.  
5     The supplemental direct testimony of Paul R. Herbert  
6     Exhibit 11.00, supplemental, filed March 30, 2016 and  
7     a supporting exhibit to supplemental testimony 11.01  
8     supplemental, also filed March 30th, as well as the  
9     rebuttal testimony of Paul Herbert IAWC Exhibit  
10    11.00 R and supporting Exhibit 11.01 R, filed June  
11    15, 2016, as well as the surrebutall testimony of  
12    Paul Herbert 11.00 SR, filed July 22, 2016 and  
13    Mr. Herbert's affidavit IAWC Exhibit 11.01 SR, filed  
14    July 27, 2016.

15                   The company would also move for the  
16    admission of direct testimony of Harold Walker III  
17    IAWC Exhibit 12.00, filed January 21, 2016 with a  
18    revised supporting exhibit 20.01 revised, filed  
19    April 21, 2016 and additional supporting exhibits  
20    12.02 through 12.03, filed January 21, 2016, as well  
21    as the rebuttal testimony of Harold Walker III IAWC  
22    Exhibit 12.0 R, filed June 15, 2016 with the

1 supporting exhibit 12.01 R, filed June 16, 2016.

2 The surrebutall testimony of Harold  
3 walker IAWC Exhibit 12.00 SR and supporting exhibit  
4 12.01 SR, both filed July 22, 2016, as well as the  
5 affidavit of Harold Walker, IAWC Exhibit 12.02 SR,  
6 filed July 27, 2016.

7 The company would also move for the  
8 admission of the direct testimony of John R. Wilde  
9 IAWC Exhibit 13.00 R, the rebuttal testimony of John  
10 R. Wilde, filed June 15th 2016 with the revised  
11 surrebuttal testimony of John R. Wilde IAWC Exhibit  
12 13.00 SR revised from July 26, 2016 with a supporting  
13 exhibit 13.01 SR revised, also filed July 26th and  
14 Mr. Wilde's affidavit IWAC Exhibit 13.02 SR, filed  
15 July 27th, 2016.

16 Finally the company has some  
17 stipulated cross exhibits.

18 Would you like to do those now?

19 JUDGE TEAGUE KINGSLEY: Sure.

20 MS. CONGER: Okay. So those are:

21 IAWC Exhibit FEA-CUB stipulated  
22 Cross-Exhibit 1.00; IWC-staff stipulated

1 Cross-Exhibit 1.00. IAWC Exhibit AG --

2 JUDGE TEAGUE KINGSLEY: I don't mean to

3 interrupt you, but I didn't catch the second one.

4 MS. CONGER: So the second one is IAWC Exhibit

5 staff stipulated Cross-Exhibit 1.

6 The third one is IAWC Exhibit AG

7 stipulated Cross-Exhibit 1.

8 The fourth one is IAWC FEA stipulated

9 Cross-Exhibit 1. And all of those contain data

10 request responses.

11 JUDGE TEAGUE KINGSLEY: The first one is

12 IAWC-FEA?

13 MS. CONGER: It's IWC -- IIWC-FEA-CUB.

14 JUDGE TEAGUE KINGSLEY: Thank you.

15 MS. CONGER: That's fine, a lot of letters.

16 JUDGE TEAGUE KINGSLEY: Those are all the cross

17 exhibits for the company?

18 MS. CONGER: Yes.

19 JUDGE TEAGUE KINGSLEY: Are there any

20 objections to admitting those exhibits into the

21 record?

22 (No response.)

1                   Hearing no objection, all exhibits  
2   will be admitted into the record.

3                   (WHEREUPON, the above-mentioned,  
4                   and also filed on edocket Company  
5                   Exhibits were admitted into  
6                   the record.)

7                   Who would like to go next?

8

9                   MS. SHERRILL: Staff will go, if it's okay, your  
10   Honor.

11                  JUDGE TEAGUE KINGSLEY:   Okay.

12                  MS. SHERRILL: I have the prefiled testimony  
13   that staff has and I also have copies of staff cross  
14   exhibits for you, if I may approach.

15                  Then, I believe, Mr. Olivero will do  
16   the honors of entering things into evidence.

17                  MR. OLIVERO:   Are we ready to proceed?

18                  JUDGE TEAGUE KINGSLEY:   One second please.

19                  Okay.

20                  MR. OLIVERO:   Okay.   Great.   Thank you.

21                  Staff would, first of all, move for  
22   admission into the record ICC Staff Exhibit 1.0,

1     which is the direct testimony of Richard W. Bridal,  
2     II, which consists of a cover page, table of  
3     contents, six pages of questions and answers,  
4     Schedules 1.01 through 1.07, Z, as in zebra, N, CS,  
5     PK, LC, which are acronyms for the various divisions  
6     of Illinois American.

7                     These were filed on the Commission's  
8     E-Docket System, May 19, 2016.

9                     Staff next moves for admission into  
10    the record ICC Staff Exhibit 9.01, which is the  
11    rebuttal testimony of Richard W. Bridal II, which  
12    consists of a cover page, table of contents, five  
13    pages of questions and answers, Schedules 9.01  
14    through 9.07. And the same ZN, CS, PK and LC  
15    acronyms at the end. And that was filed on the  
16    Commission's E-Docket System July 12th, 2016.

17                    And Staff would move for admission  
18    into the record of ICC Staff Exhibit 9.01, which is  
19    the affidavit of Richard W. Bridal II. This was  
20    filed on the Commission's E-Docket System July 27,  
21    2016.

22                    Moving to the next staff witness,

1 Staff moves for admission into the record of ICC  
2 Staff Exhibit 2.0, which is the direct testimony of  
3 Diana Hathhorn. This consists of a cover page, table  
4 of contents, 14 pages of questions and answers,  
5 Schedules 2.10 ZN, CS, PK, LC, Schedules 2.02 ZN  
6 only, and then Schedules 2.03 through 2.04 ZN, CS,  
7 PK, LC and she had an Attachment A, and this was  
8 filed on the Commission's E-Docket System, May 19,  
9 2016.

10 Staff next moves for admission into  
11 the record of ICC Staff Exhibit 10.0, which is the  
12 rebuttal testimony of Diana Hathhorn and consists of  
13 a cover page, table of contents, six pages of  
14 questions and answers, Schedules 10.01 through 10.02  
15 ZN, CS, PK and LC.

16 And, finally, for Ms. Hathhorn's,  
17 Staff moves for admission into the record ICC Staff  
18 Exhibit 10.01, which is the affidavit of Ms. Hathhorn  
19 and that was filed on the Commission's E-Docket  
20 System July 27, 2016.

21 Staff next moves for admission into  
22 the record ICC Staff Exhibit 3.0, which is the direct

1 testimony of Daniel G. Kahle. This consists of a  
2 cover page, table of contents, 25 pages of questions  
3 and answers, Schedules 3.01 through 3.08 and  
4 Attachments A through H. And this was filed on the  
5 Commission's E-Docket System May 19, 2016.

6 Staff also moves for admission into  
7 the record ICC Staff Exhibit 11.0, which is the  
8 revised rebuttal testimony of Daniel G. Kahle, which  
9 is the cover page, table of contents, 19 pages of  
10 questions and answers, Schedules 11.01, 11.04, 11.07,  
11 11.08 and 11.09, as well as Attachments A through B.

12 And the revised rebuttal testimony was  
13 filed on E-Docket July 14, 2016, and the schedules  
14 and attachments were filed on E-Docket with the  
15 original filing on July 12th, 2016.

16 Staff also moves for admission into  
17 the record of ICC Staff Exhibit 11.01, which is the  
18 affidavit of Daniel G. Kahle and was filed on filed  
19 on the Commission's E-Docket System July 27, 2016.

20 Staff next moves for admission into  
21 the record of ICC Staff Exhibits 4.0, which is the  
22 direct testimony of Phil Hardas. This consists of a

1 cover page, table of contents, 11 pages of questions  
2 and answers and Schedules 4.01 through 4.02 and was  
3 filed on the Commission's E-Docket System, May 19,  
4 2016.

5 Staff next moves for admission into  
6 the record of ICC Staff Exhibit 12.0, which is the  
7 rebuttal testimony of Phil Hardas and consists of a  
8 cover page, table of contents, 7 pages of questions  
9 and answers and Schedules 12.01 through 12.02 and was  
10 filed on the Commission's E-Docket System July 12th,  
11 2016.

12 Staff would move for admission into  
13 the record of Staff Exhibit 12.01, which is the  
14 affidavit of Phil Hardas and was filed on the  
15 Commission's E-Docket System, July 27th, 2016.

16 Next staff moves for admission into  
17 the record of ICC Staff Exhibit 5.0, which is the  
18 direct testimony of Sheena Kight-Garlis. This  
19 consists of a cover page, table of contents, 53 pages  
20 of questions and answers, Schedule 5.01 through 5.08  
21 and Attachment A. This was filed on the Commission's  
22 E-Docket System, May 19, 2016.



1                   Staff also moves for admission into  
2   the record, ICC Staff Exhibit 13.0, which is the  
3   rebuttal testimony of Sheena Kight-Garlisch, which  
4   consists of a cover page, table of contents and 29  
5   pages of questions and answers, and was filed on the  
6   Commission's E-Docket System July 12th, 2016.

7                   And, finally, Staff moves for  
8   admission into the record of ICC Staff Exhibit 13.01,  
9   which is the affidavit of Sheena Kight-Garlisch and  
10   was filed on the Commission's E-Docket System  
11   July 27, 2016.

12                  Staff's next witness and staff next  
13   moves for admission into the record of ICC Staff  
14   Exhibit 6.0, which is the direct testimony  
15   Christopher L. Boggs, which consists of a cover page,  
16   table of contents, 37 pages of questions and answers,  
17   and Attachments A through C, which was filed on the  
18   Commission's E-Docket System May 19, 2016.

19                  Staff next moves for admission into  
20   the record ICC Staff Exhibit 14.0, which is the  
21   rebuttal testimony of Christopher L. Boggs and  
22   consists of a cover page and 21 pages of questions

1     and answers and was filed on the Commission's  
2     E-Docket System July 12th, 2016.

3                     And Staff also moves for admission  
4     into the record of ICC Staff Exhibit 14.01, which is  
5     the affidavit of Christopher L. Boggs and was filed  
6     on the Commission's E-Docket System July 27, 2016.

7                     Next staff next moves for  
8     admission into the record ICC Staff 7.0, which is the  
9     direct testimony of Jonathan M. Sperry and consists  
10    of a cover Page, 7 pages of questions and answers,  
11    and Schedule 7.01 through 7.04 and was filed on the  
12    Commission's E-Docket System May 19, 2016.

13                    Staff also moves for admission into  
14    the record ICC Staff Exhibit 15.0, which is the  
15    rebuttal testimony of Jonathan M. Sperry, which  
16    consists of a cover page and five pages of questions  
17    and answers and was filed on the Commission's  
18    E-Docket System July 12th, 2016.

19                    And staff moves for admission into the  
20    record ICC Staff 15.01, which is the affidavit of  
21    Jonathan M. Sperry and was filed on the Commission's  
22    E-Docket System July 27, 2016.

1                   Staff's last witness is David  
2   Brightwell, and Staff would move for admission into  
3   the record of ICC Staff Exhibit 8.0, which is the  
4   direct testimony of David Brightwell consisting of a  
5   cover page, a table of contents, and ten pages of  
6   questions and answers and was filed on the  
7   Commission's E-Docket System May 19, 2016.

8                   Staff next moves for admission into  
9   the record of ICC Staff Exhibit 16.0, which is the  
10   rebuttal testimony of David Brightwell and consists  
11   of a cover page, table of contents, and then seven  
12   pages of questions and answers and was filed on the  
13   Commission's E-Docket System July 12th, 2016.

14                  And Staff would move for admission  
15   into the record of ICC Staff Exhibit 16.01, which is  
16   the affidavit of David Brightwell, and that document  
17   was filed on the Commission's E-Docket System  
18   July 27, 2016.

19                  That's all of our prefiled testimony  
20   that we would move to admit into the record.

21                  We did have one Staff Cross-Exhibit  
22   1.0, which consists of three data request responses;

1 one from IAWC Response 2.09; another IAWC Response to  
2 IIWC-FEA-CUB Data Request 2.23, and the third was  
3 IAWC response to the IIWC-FEA and CUB data request  
4 2.26.

5 JUDGE CARDONI: Thank you, Mr. Olivero.

6 Is there any objection into entering  
7 into the evidence of Staff's exhibits?

8 (No response.)

9 Hearing none, Staff's testimony,  
10 attachments, exhibits, affidavit and Staff  
11 Cross-Exhibit 1 will be admitted.

12 (Whereupon, the above-mentioned  
13 Staff Exhibits were admitted  
14 into evidence and previously  
15 filed on e-docket.)

16 MS. SHERRILL: Your Honor, I would like to note  
17 that on our exhibit list there are errors on Exhibit  
18 11.01 and Exhibit 13.01 are identified as being filed  
19 on e-docket on July 26 and they were actually filed  
20 on July 27th as Mr. Olivero correctly noted.

21 JUDGE CARDONI: Thank you for that  
22 clarification, Counsel.

1                   Anything else from Staff?

2           MS. SHERRILL: No, your Honor.

3           MR. OLIVERO: No, your Honor.

4           JUDGE CARDONI: And when will Staff be filing

5 the Cross-Exhibit?

6           MS. SHERRILL: This afternoon, your Honor.

7           JUDGE CARDONI: Thank you.

8                   Who would like to proceed?

9           MR. JOLLY: If I may.

10          JUDGE CARDONI: You may.

11          MR. JOLLY: If I may approach?

12          JUDGE CARDONI: You may.

13          MR. JOLLY: Thank you.

14                   Thank you, your Honors.

15                   The Office of the Illinois Attorney

16 General would like to move for the admission of

17 testimony submitted in this case.

18                   First, Mr. David Effron submitted

19 direct testimony and rebuttal testimony. His direct

20 testimony has been identified as AG Exhibit 1.0 and

21 also and attached to it AG Exhibit 1.1, his rebuttal

22 testimony was identified as AG Exhibit 3.0 and

1 attached to that is AG Exhibit 3.1.

2 The direct testimony was filed on  
3 E-Docket on May 19TH of this year. The rebuttal  
4 testimony was filed on July 12th.

5 Mr. Effron's affidavit, which has been  
6 identified as AG Exhibit 5.0 was filed on July 26,  
7 2016.

8 The AG also filed the testimony of  
9 Scott Rubin. The AG filed Mr. Rubin's direct  
10 testimony on May 19, 2016.

11 His direct testimony has been  
12 identified as AG Exhibit 2.0. Attached to that are  
13 AG Exhibits 2.1, 2.2, 2.3, 2.4, 2.5, 2.6 and 2.7.

14 Mr. Rubin also prepared rebuttal  
15 testimony, which was filed by the AG's office on  
16 July 12th, 2016.

17 That piece of testimony has been  
18 identified as AG Exhibit 4.0 and attached to that are  
19 AG Exhibits 4.1, 4.2 and 4.3. And if I didn't  
20 mention it, that was filed on E-Docket on July 12th,  
21 2016.

22 Mr. Rubin was out of town until

1     yesterday, so I don't have an affidavit for him yet.  
2     I anticipate getting that either today or tomorrow  
3     and we will file it on E-Docket at that point. That  
4     will be identified as AG Exhibit 6.0.

5                     Would you like paper copies of that  
6     sent over to you?

7             JUDGE CARDONI:  No, that won't be necessary.

8             MR. JOLLY:  Okay.  In addition to the testimony  
9     submitted by the Attorney General's Office, the  
10    Attorney General also moves for the admission of AG  
11    Group Exhibit 1.

12                    This exhibit is being submitted in  
13    agreement with Staff and Illinois American Water  
14    Company in lieu of crossing witnesses -- a witness  
15    for staff, witnesses for the utility.

16                    I can go through what's in Group  
17    Exhibit 1, if you want, but it's Group Exhibit 1, AG  
18    Group Exhibit 1, it includes schedules and work  
19    papers from the Part 285 filing submitted by Illinois  
20    American.

21                    It also includes data responses from  
22    Illinois American to the Attorney General's Office.

1                   It includes Illinois American  
2   responses to Staff Data Requests, and it also  
3   includes an Illinois American response to an  
4   IIWC-FEA-CUB -- data request, I should say. And then  
5   it also includes two staff data responses to an AG  
6   data request.

7           JUDGE CARDONI: Mr. Jolly, did you file that on  
8   E-Docket yet?

9           MR. JOLLY: No, I plan on filing it today.

10          JUDGE CARDONI: Are there any objections to the  
11   AG's testimony and AG Group Exhibit 1?

12          MS. ZEHR: Your Honor, Anne Zehr for the  
13   company.

14                   Regarding the Part 285 schedules and  
15   supporting work papers that the AG has requested for  
16   admission into the evidentiary record, while the  
17   company has no objection to the admission of those  
18   subject to the caveat that some Part 285 schedules  
19   and work papers were revised by the company in  
20   discovery throughout the course of the proceeding,  
21   and to the extent that any of these schedules were  
22   revised, I would simply let the record note that it



1 doesn't appear that revised versions are what are  
2 being submitted.

3 MR. JOLLY: Are there specific ones that you  
4 know for a fact that have been revised?

5 MS. ZEHR: I couldn't say, sitting here today,  
6 without going back through the company's discovery  
7 responses. But I do know a number of schedules were  
8 reviewed and without the opportunity to go through  
9 these and double check some of what is being admitted  
10 today has been revised.

11 MR. JOLLY: Fair enough. I'm almost positive  
12 that these were the final. That there were no  
13 revisions, you know. If the company wants to confirm  
14 that, that's fine with the AG's office.

15 MS. ZEHR: The company has no objection to the  
16 admission to those schedules, subject to that caveat,  
17 on the record.

18 And then regarding the DR responses  
19 that are included in AG Group Exhibit 1.

20 Mr. Jolly, have you had an opportunity  
21 to review the responses?

22 MR. JOLLY: Have I? They're party admissions.

1     They're admission.

2             MS. ZEHR: I understand that, Mr. Jolly;

3     however, without the opportunity to review those and

4     agreeing to cross-waiver, the company has been

5     precluded from the opportunity of offering additional

6     DR responses that would serve as redirect in response

7     to these DRs. We simply request an opportunity to

8     review them before we can state whether or not we

9     object to their admission.

10            JUDGE CARDONI: Would the parties like to take

11     a recess to review the DRs.?

12            MS. ZEHR: Yes, your Honor, that would be

13     preferable.

14            MR. JOLLY: I perhaps spoke with -- certainly

15     exchanged e-mails with Mr. Strutevant and indicated

16     that the Attorney General's Office would be willing

17     to waive cross subject to the understanding that we

18     would be able to admit certain data responses and

19     portions of the Part 285 filing. Data responses are

20     party admissions. They're admissible.

21            JUDGE CARDONI: Let's just take a short break

22     and you can confer.

1                   We will go off the record.

2           MS. ZEHR: Thank you, your Honor.

3                   Your Honor, there is quite a few in

4 here. You want want to call for a break.

5           JUDGE TEAGUE KINGSLEY: How about 10 minutes.

6           MS. ZEHR: That's fine.

7           JUDGE TEAGUE KINGSLEY: No problem. Let's take

8 about a ten minute break.

9                               (Whereupon, a recess was taken.)

10          JUDGE CARDONI: We had a brief discussion off

11 the record and it looks like we are not in agreement

12 with the admission of AG Group Exhibit 1.

13                   Ms. Zehr, would you like to proceed.

14          MS. ZEHR: Yes, thank you, your Honor.

15                   Thank you for the opportunity to

16 review what has been included in AG Group Exhibit 1.

17                   The company does have several

18 objections to the admission of the Group Exhibit and

19 would request additional time to confer with counsel

20 before agreeing to their admission as part of the

21 stipulated waiver and let me go through our concerns

22 if I may.

1                   As I mentioned earlier today, the  
2     company was not given the opportunity to review some  
3     of the schedules that are included in the exhibit and  
4     are concerned that some have been revised.

5                   While we are still not able to confirm  
6     whether or not all the schedules or work papers have  
7     been revised, we can say with assurance that Schedule  
8     C-11.3 was revised as is shown in one of the DR  
9     responses also in AG Group Exhibit 1, that being AG  
10    13.001.

11                  Additionally, work paper; i.e., WC,  
12    WPC 5A shows a tax rate that has since been adjusted  
13    per the agreement of all the parties to 7.75 percent,  
14    while the work paper itself was not corrected, it  
15    reflects outdated information per the agreement of  
16    the parties.

17                  Regarding the DR responses, typical  
18    course is, as I understand it your Honors, is when  
19    parties are discussing waiver of cross-examination at  
20    hearing and to admit DRs responses, in lieu of cross  
21    that they share the DRs responses that we would like  
22    to offer for the record to allow the parties to

1 review the responses and determine whether or not  
2 they would still agree to mutual waiver of cross  
3 and/or whether or not they would agree to admission  
4 of the DR responses in addition to additional  
5 responses by the same witness that would serve in  
6 lieu of redirect because the company was not given  
7 the opportunity to review these DR responses included  
8 in AG Group Exhibit 1 before today's hearing; it was  
9 not given that opportunity, your Honors, so we  
10 respectfully request the opportunity to do that  
11 post-hearing.

12 Two additional points -- objections,  
13 your Honors, DGK 2.001 revised and public and  
14 confidential included in AG Group Exhibit 1 has  
15 already been included in the evidentiary record as  
16 part of IAWC Exhibit 15.01 SR.

17 This is a DR response related to rate  
18 case expense and attached to the rate case expense  
19 documentation. While the fact that it's already in  
20 the record is the basis for my objection. It's just  
21 a point noted, it need not be admitted.

22 However, my objection is based on the

1 fact that this is incomplete. The attachment to this  
2 DR was voluminous. The attachment included, however,  
3 in AG Exhibit 1 are a single page containing  
4 confidential information. We have not been provided  
5 a public redacted copy to ensure that that  
6 confidential information does not make its way to the  
7 public record.

8 And then, specifically, with regarding  
9 request IIWC AG 401, this is a response by the AG's  
10 witness, and therefore, does not fall within the  
11 party opponent exception to the hearsay rule. I  
12 would specifically object on hearsay grounds.

13 JUDGE CARDONI: What was that response?

14 MS. ZEHR: It looks like IWC-AG 14.01.

15 MS. CONGER: Yours is corrected differently  
16 than my.

17 MS. ZEHR: Oh, it looks like IAWG-AG 14.01.

18 JUDGE CARDONI: I didn't hear the last digit.

19 MS. ZEHR: 14.01.

20 JUDGE CARDONI: IAWC-AG 14.01?

21 MS. ZEHR: Yes, your Honor. And if you would  
22 like me to approach, I do have your copy of the

1 exhibit.

2 JUDGE CARDONI: Please. That would be helpful.

3 Thank you for the opportunity to steal  
4 these away. They are in order.

5 Ms. Zehr can you restate your  
6 objection to 14.01.

7 MS. ZEHR: Yes, your Honor.

8 It's my understanding that this  
9 response is sponsored by the AG's own witness;  
10 therefore, it doesn't fall within the party opponent  
11 exception to the hearsay rule.

12 I believe Mr. Jolly has referred to  
13 that today, but it is not a party's own admissions,  
14 your Honor, it is party opponent admission exception  
15 and being that the AG's own witness is not its  
16 opponent, it would not fall into the exception of the  
17 hearsay rule.

18 That said, your Honor, given the  
19 opportunity to discuss with counsel the admission of  
20 some of these DRs into the record to the extent the  
21 AG intends this to serve as redirect of its witness,  
22 then perhaps, we'll come to an agreement regarding

1     its admission, but as we sit here today, I object to  
2     the grounds that it does not fall into the hearsay  
3     exception rule and is therefore hearsay.

4             MR. JOLLY:  As I said, I noted three documents  
5     with which Ms. Zehr has identified issues with, and  
6     I'm more than happy to discuss those with her.

7                     (WHEREUPON, there was a  
8                     discussion had off the record.)

9             JUDGE CARDONI:  Really the ALJ's concerned  
10    because if you can't come to an agreement, then we  
11    will have to have cross of Mr. Kerckhove or other  
12    witnesses.

13                    What we could do is the parties can  
14    continue to discuss today and we can continue the  
15    hearing until tomorrow at 10:00 and if you're able to  
16    resolve the matter, we don't need to have a hearing.

17                    If not, then we should convene and do  
18    any cross that's necessary or enter other exhibits  
19    into the record.

20                    Does that sound acceptable to the  
21    parties?

22             MS. ZEHR:  I'm sorry.  Your Honor, are you



1 suggesting a further break to work out an agreement?

2 MS. ZEHR: We could have a further break or we  
3 can proceed and the parties can discuss this later to  
4 and continue the hearing to tomorrow because the ALJs  
5 are concerned and I do not want to finish the hearing  
6 today with this being at issue.

7 MR. JOLLY: My preference would be that  
8 Illinois American, their counsel and the AG's office  
9 can discuss this this afternoon, and hopefully  
10 resolve the issues.

11 I would like to talk to my witness to  
12 get his input into what Illinois American has said  
13 and as to the last point on IAWC 14.01, I think  
14 that's a fair point, so I'm willing to try to work  
15 this out. I assume we could come to some type of  
16 resolution.

17 JUDGE CARDONI: Thank you both.

18 With that I would admit 1.0, 1.1, 3.0,  
19 3.1, 5.0, 6.0, 2.1 through 2.7, 4.0, 4.1 through 4.3  
20 and AG 6.7.

21

22

1 (Whereupon, AG Exhibit No. 1.0,  
2 1.1, 3.0, 3.1, 5.0, 6.0, 2.1  
3 through 2.7, 4.0, 4.1 through  
4 4.3 and AG 6.7 were admitted  
5 into evidence.)

6 Is there anything else from the AG at this  
7 time?

8 MR. JOLLY: No, thank you.

9 JUDGE CARDONI: Who would like to proceed next?

10 Mr. Balough.

11 MR. BALOUGH: Richard Balough on behalf of the  
12 municipalities.

13 We would offer the direct of Jeffrey  
14 S. Reininger on behalf of the City of South Beloit,  
15 which was filed on e-docket on May 19, 2016 and  
16 marked as Municipalities Exhibit 1.0.

17 We would also offer as a late-filed  
18 exhibit Municipalities Exhibit 1.1 affidavit. Those  
19 are the only exhibits.

20 JUDGE TEAGUE KINGSLEY: Are there any  
21 objections to Municipalities Exhibit 1.0 and 1.1?

22 Did you say, Mr. Balough, that you

1 would be filing the affidavit today?

2 MR. BALOUGH: Hopefully today, if not in the  
3 next several days.

4 JUDGE CARDONI: Thank you.

5 Then those exhibits are admitted.

6 (Whereupon, Municipalities  
7 Exhibit No. 1.0 and 1.1 were  
8 admitted into evidence.)

9 MR. BALOUGH: Thank you.

10 MR. THORPE: Ryan Thorpe on behalf of the  
11 Village of Tinley Park. Intervenor Village of Tinley  
12 Park offers into evidence the direct testimony of  
13 Brad Bettenhausen identified as Tinley Park Exhibits  
14 1.0, 1.1, 1.2 and 1.3, which were filed on e-docket  
15 on May 19, 2016.

16 The Village of Tinley Park also offers  
17 into evidence the affidavit of Brad Bettenhausen  
18 identified as Tinley Park Exhibit 2.0, which was  
19 filed on e-docket on July 27, 2016 and that's all,  
20 your Honors.

21 JUDGE TEAGUE KINGSLEY: Are there any  
22 objections to these exhibits? Okay. Then what you

1 have identified will be admitted into the record.

2 MR. THORPE: Thank you.

3 JUDGE CARDONI: Who would like to go next?

4 MS. HICKS: Good morning, your Honors. May I  
5 approach?

6 JUDGE TEAGUE KINGSLEY: Yes, please.

7 MS. HICKS: On behalf of the Citizens Utility  
8 Board, the Illinois Industrial Water Consumers and  
9 Federal Executive Agencies, I would like to move in  
10 the testimony of Michael Goreman, his direct  
11 testimony is IIWC-FEA-CUB Exhibit 1.0 with  
12 Attachments 1.1 through 1.6.

13 Those were filed on e-docket on May  
14 19, 2016 with the revision to Exhibit 1.6 filing on  
15 e-docket July 26, 2016.

16 Then we have Appendix B to that  
17 testimony, also filed on May 19, 2016, Exhibits 1.0  
18 through 20.13, the rebuttal testimony of Mr. Goreman  
19 IAWC-FEA-CUB Exhibit 2.0 was filed in a revised  
20 version on e-docket July 26, 2016, Attachments 2.12.2  
21 were filed on e-docket on July 12th, 2016. And  
22 affidavit Mr. Goreman IAWC-FEA-CUB 3.0 was filed on

1 July 26, 2016.

2 I also handed your Honors and the  
3 parties a copy of IIWC-FEA-CUB Cross Exhibit 1. This  
4 consists of data request responses IIWC-FEA-CUB,  
5 5/001 through 5/010. These have been stipulated by  
6 the parties.

7 And at this time, I would move for the  
8 admission of IIWC-FEA-CUB exhibits and cross  
9 exhibits.

10 JUDGE TEAGUE KINGSLEY: I have a quick  
11 question, for the direct testimony of Mr. Gorman, did  
12 you mention Exhibits 1.1 through 1.6? I wasn't sure  
13 if I got that.

14 MS. HICKS: Yes.

15 JUDGE TEAGUE KINGSLEY: Are there any objections  
16 to moving these exhibits and cross exhibits into the  
17 record?

18 (No response.)

19 Okay. Then these exhibits are  
20 admitted. Thank you.

21 (WHEREUPON, the above-mentioned  
22 CUB-IAWC Exhibit exhibits

1                               were admitted.)

2               MR. ROBERTSON: Ryan Robertson with IIWC, I move  
3   for the admission of the direct testimony labeled  
4   IIWC-FAE Exhibit 1.0 of Witness Brian Collins filed  
5   on e-docket May 19th, along with Exhibits 1.1 and  
6   1.2, as well as IIWC-FAE Exhibit 2.0, the rebuttal  
7   testimony of IIWC-FAE Witness Brian Collins filed on  
8   e-docket on July 12th, and the affidavit of IIWA FEA  
9   Witness Brian Collins and IIWC-FAE Exhibit 3.0 filed  
10  on July 27.

11                       I also move for the admission of IIWC  
12  FEA Cross-Exhibit 1, which is a data request from  
13  Commission Staff, David Brightwell and it is four  
14  data responses 1-1, 1-2, 1-3 and 1-4.

15               JUDGE TEAGUE KINGSLEY: When will be filing  
16  this on e-docket?

17               MR. ROBERTSON: I think they were filed this  
18  morning.

19               JUDGE TEAGUE KINGSLEY: Are there any  
20  objections to any of these exhibits into the record?

21                               (No response.)

22                               Hearing none, the exhibits are

1 admitted.

2 (WHEREUPON, the above-mentioned  
3 exhibits were admitted into evidence.)

4 MS. ZEHR: If I may, the company intends to  
5 offer an additional Cross-Exhibit, IAWC-AG  
6 Cross-Exhibit 2; however, and that would be in lieu  
7 of cross of Mr. Rubin; however, we are still working  
8 out that particular Cross-Exhibit with the AG's  
9 counsel and would intend to -- I imagine we could  
10 work that out in addition to our other discussions  
11 after hearings today close and submit that for the  
12 evidentiary record.

13 JUDGE TEAGUE KINGSLEY: So I assume you offer  
14 this cross exhibit and will submit it with your  
15 motion?

16 MS. ZEHR: Yes, your Honor.

17 To be clear, I'm sorry for not  
18 elaborating this is stipulated Cross-Exhibit is  
19 simply a DR response, which the company has received  
20 from Mr. Rubin I believe yesterday, and both parties  
21 I believe simply noted a correction necessary,  
22 although, we are confirming with Mr. Rubin.

1           MR. JOLLY: Yeah, there was initially some  
2    confusion -- misinterpretation. There was a phrase  
3    in the data request that Mr. Rubin used that counsel  
4    for Illinois Water Company indicated that Mr. Rubin  
5    made. I sent Mr. Rubin some e-mails. I think he  
6    does agree with the utility's interpretation now,  
7    it's a matter of confirming sending a revised  
8    response and then that would be the Cross-Exhibit  
9    that Ms. Zehr referred to.

10          MS. ZEHR: And, yes, your Honor, you're  
11    correct, the company's intent would be to move for  
12    admission as a late filed exhibit.

13          JUDGE TEAGUE KINGSLEY: It looks like we have  
14    all the evidence taken care of.

15                   What we would like to do before we end  
16    today is just go over the schedule to make sure we  
17    are all on the same page, the simultaneous initial  
18    briefs will be due September 17.

19                   The simultaneous reply briefs, October  
20    1st.

21                   The draft orders or draft statements  
22    of positions, October 2. You will make your best



1 efforts to issue the post order.

2 Sorry let's go back through the dates  
3 make sure there is no confusion.

4 For the simultaneous initial briefs  
5 August 31st; and then the reply briefs, September 14;  
6 draft orders summary positions, September 15.

7 We will make our best efforts to issue  
8 the proposed order October 12th, and then the brief  
9 on exceptions will continue October 26 and the reply  
10 brief on exceptions, November 2nd.

11 And we want to the stress that with  
12 the briefs and the draft orders and everything, it's  
13 really important that everyone follow the same  
14 outline. I can't stress it enough. That is  
15 extremely important that everyone follow the same  
16 outline.

17 So as we discussed earlier, we will  
18 continue the hearing until tomorrow till 10:00 a.m.  
19 till you all can discuss.

20 Do you have something?

21 MR. JOLLY: That's fine. I guess my thought  
22 would be, I was wondering whether if the company and

1 the AG can reach agreement as to what should be  
2 included in the AG Group Cross-Exhibit, whether we  
3 could just let you know and there wouldn't be a need  
4 to reconvene. And if necessary, I could file a  
5 motion to file the exhibit instanter.

6 JUDGE TEAGUE KINGSLEY: Yes, that was our  
7 understanding that if you all will talk, we will  
8 continue it until tomorrow at 10:00 a.m., but if  
9 there is no need for the hearing, you can let us know  
10 today and we will cancel it.

11 So thank you for clarifying that.

12 MS. ZEHR: Thank you, your Honors.

13 JUDGE TEAGUE KINGSLEY: Thank you all so much.

14 (Sine and die)

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